



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Richard L. Robinson, Esq.  
Graydon Head & Ritchey LLP  
2500 Chamber Center Drive, suite 300  
P.O. Box 17070  
Ft. Mitchell, Kentucky 41017

DEC 16 2004

RE: MUR 5335R  
Geoff Davis 2002 (a.k.a. Geoff Davis for Congress  
Committee) and Joe Green, as treasurer (a.k.a. Jody  
Green)

Dear Mr. Robinson:

On December 9, 2004, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 434(b)(3)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act").

The Commission reminds you that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply, and that this matter is still open with respect to other respondents. The Commission will notify you when the entire file has been closed.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

Ana J. Peña-Wallace  
Attorney

Enclosure  
Conciliation Agreement

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1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2  
3  
4 In the Matter of: )

5 )  
6 Geoff Davis for Congress and )  
7 Joe Green, as treasurer<sup>1</sup> )

MUR 5335R

8  
9 **CONCILIATION AGREEMENT**

10 This matter was initiated by a signed, sworn, and notarized written complaint by Dennis  
11 Repenning. The Federal Election Commission ("Commission") found reason to believe that the  
12 Geoff Davis for Congress Committee and Joe Green, as treasurer ("Respondent") violated  
13 2 U.S.C. § 434(b)(3)(A).<sup>2</sup>

14 NOW, THEREFORE, the Commission and Respondent, having participated in informal  
15 methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as  
16 follows:

17 I. The Commission has jurisdiction over Respondent and the subject matter of this  
18 proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C.  
19 § 437g(a)(4)(A)(i).

20 II. Respondent has had a reasonable opportunity to demonstrate that no action should  
21 be taken in this matter.

22 III. Respondent enters voluntarily into this agreement with the Commission.

<sup>1</sup> In its original Statement of Organization, the committee was named "Geoff Davis 2002." The committee originally designated its treasurer as Jody L. Green. On January 25, 2003, the Committee filed an amended Statement of Organization changing its name to "Geoff Davis for Congress" and its treasurer to Joe Green. However, some of the committee's disclosure reports provide that its name is "Davis, Geoffrey C." For purposes of clarity, hereinafter it is referred to as "Geoff Davis for Congress" or "the Committee."

<sup>2</sup> The events that are the subject of this complaint occurred prior to November 6, 2002, the effective date of the Bipartisan Campaign Reform Act of 2002 ("BCRA"), Pub. L. 107-155, 116 Stat. 81 (2002). Therefore, unless noted to the contrary, all references to statutes and regulations in this report pertain to those that were in effect prior to the implementation of BCRA.

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IV. The pertinent facts in this matter are as follows:

1. The Respondent is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Bill Shehan, Jr. is a "person" within the meaning of 2 U.S.C. § 431(11).

3. Susan Shehan (a.k.a. Suzannah Shehan) and Georgia Shehan are the daughters of Bill Shehan, Jr. and were four and five years old, respectively, at all times relevant to this agreement.

4. The Federal Election Campaign Act of 1971, as amended ("the Act"), requires a committee's report to disclose the identification of a person who makes a contribution over \$200, together with the date and amount of the contribution. See 2 U.S.C. § 434(b)(3)(A). The identification of an individual person consists of a person's full name, mailing address, occupation and name of the employer. 2 U.S.C. § 431(13).

5. The Act requires a treasurer and political committee to use best efforts to obtain the identification information of each person making a contribution that requires reporting to the Commission. 11 C.F.R. § 104.7(b).

6. On or about July 8, 2002, the Respondent received a \$1,000 contribution from Bill Shehan, Jr. designated for the 2002 general election.

7. On or about July 8, 2002, the Respondent received a \$1,000 contribution from Bill Shehan, Jr. that was designated for the 2002 general election and attributed the contribution to Mr. Shehan's four-year-old daughter, Susan Shehan. Susan Shehan's contribution was made with the use of a cashier's check that designated her as the "Remitter."

8. On or about July 8, 2002, the Respondent received a \$1,000 contribution from Bill Shehan, Jr. that was designated for the 2002 general election and attributed the contribution

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to Mr. Shehan's five-year-old daughter, Georgia Shehan. Georgia Shehan's contribution was made with the use of a cashier's check that designated her as the "Remitter."

9. Other than the names of the contributors, the Respondent did not receive any identification information regarding the Shehans.

10. The Respondent mailed a "best efforts" form to Susan Shehan requesting the missing information. However, the Respondent never received a response to its request. There is no record of such a form being sent to Georgia Shehan.

11. In its October 2002 Quarterly Report, the Respondent reported Georgia Shehan's occupation as "Homemaker" and Susan Shehan's occupation as "Unavailable."

12. Upon learning their ages, on October 17, 2002 the Respondent refunded \$2,000 to Georgia and Susan Shehan and reported their occupations as "N/A" on an amended October 2002 Quarterly Report.

IV. Respondent violated 2 U.S.C. § 434(b)(3)(A) by failing to properly report correct identification information for Georgia Shehan in its October 2002 Quarterly Report to the Commission.

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of One Thousand dollars (\$1,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia. 2 U.S.C. § 437g(a)(5)(D).

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VIII. This agreement shall become effective as of the date that all parties hereto have executed the same and the Commission has approved the entire agreement.

IX. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence H. Norton  
General Counsel

BY: Rhonda J. Vosdingh  
Rhonda J. Vosdingh  
Associate General Counsel

12/28/04  
Date

FOR RESPONDENTS:

Richard L. Robinson  
(Name) Richard L. Robinson  
(Position) Counsel for Respondent

11/30/04  
Date

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